

## **TOWN COUNCIL MINUTES**

**August 3, 2009**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, August 3, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Pro-tem Thomas Brann at 7:00 p.m.

**Attendance: Councilors:** Thomas Brann, Shannon Cox, William Shakespeare, Jean Lawlis, and Janet Hughes; Mayor Matthew Arnett and Deputy Mayor Andre Cushing were excused

**Town Manager:** Susan Lessard

**Town Counsel:** None

**Department Heads/Staff:** None

Alex King

Mayor Pro-tem Brann noted that Councilor Cushing and Mayor Arnett were absent and asked if there were any motions relative to their absence. Motion by Councilor Cox, seconded by Councilor Shakespeare to excuse Councilor Cushing and Mayor Arnett – unanimous vote in favor.

### **A. CONSENT AGENDA**

Treasurer's Warrants were reviewed and signed by the Finance Committee at their meeting earlier in the evening. The balance of the Consent Agenda was accepted without objection.

### **B. PUBLIC COMMENTS**

There were none.

### **C. POLICY AGENDA**

#### **1. PUBLIC HEARINGS**

##### **a. FEES ORDINANCE AMENDMENT – SEWER FEE INCREASE**

Manager Lessard explained that the proposed fee increase of \$1.00 per 100 cubic feet is due to the recent bond for the work currently taking place on Route 1A and some of the side streets off Main Road North. She noted that this is the first sewer fee increase since 1998 and it will result in an increase of approximately \$8.00 per month for the average user. The rate as proposed is \$4.28 per 100 cubic feet and will be in effect for the next billing in September.

Mayor Pro-tem Brann explained the procedure for the public hearing and then opened the hearing.

Proponents: none; Opponents: none; General Questions or Comments: none – the hearing was closed.

Motion by Councilor Lawlis, seconded by Councilor Hughes to adopt the ordinance amendment and increase the sewer fee by \$1.00 per 100 cubic feet – unanimous vote in favor.

## **2. NOMINATIONS-APPOINTMENTS-ELECTIONS**

There were none.

## **3. UNFINISHED BUSINESS**

### **a. MAYO ROAD RECONSTRUCTION ORDINANCE – REFER TO PUBLIC HEARING**

Councilor Cox introduced the Mayo Road Reconstruction Ordinance for public hearing at the next meeting.

### **b. SHORELAND ZONING LANDOWNER NOTIFICATION CERTIFICATIONS**

Mayor Pro-Tem Brann explained that the Town is required to send written notification to all landowners whose property will be affected by the zoning change and the Council must certify that the notices were mailed. Manager Lessard pointed out that there are two separate certifications that need to be signed as there were two different letters that were sent (copies attached).

Motion by Councilor Hughes, seconded by Councilor Shakespeare that the Council accepts the certificates as evidence that the staff has attempted to satisfy the requirement of the law in terms of notifying people who will be affected by changes in the shoreland zoning – unanimous vote in favor. The certifications were circulated for signatures of the Council.

Alex King of 807 Kennebec Road addressed the Council about the notice he received regarding property he owns on Ichabod Lane. He said he has a 20-acre lot and seven acres are being put into either wetland classification or the 250-foot setback for reserved protection. He has been clearing a house lot and has put a driveway in and plans to build a home on the property. He noted that the maps on the Town's website don't depict the property lines and he feels that there are a lot of people within the town who will never realize that their land will be affected by this. He has met with the Town Manager and the Town Planner and is trying to gather as much information as possible. He said he will need to hire a wetlands person to come out and mark where the wetland is so he can get the map changed between now and September 9<sup>th</sup>. He feels that the September 9<sup>th</sup> public hearing is too soon and doesn't give people

## **TOWN OF HAMPDEN**

### **Draft**

The Town of Hampden Hereby Ordains  
Proposed Amendments to the Fees Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

### **TOWN OF HAMPDEN, MAINE FEES ORDINANCE**

The Town of Hampden hereby ordains:

In addition to those Town fee and charges the authorization of which is provided for by Town Ordinances, the following schedule of fees for Town services is approved:

#### **ARTICLE 1 ADMINISTRATION** *Amended 11-17-03, 3-21-05, 6-15-09*

<b>1.1. Business or Corporation filing</b>	State Regulated
<b>1.2. Copy of Certificate (marriage/birth/death)</b>	State Regulated
<b>1.3. Copy of Subdivision Ordinance</b>	At Cost
<b>1.4. Copy of Zoning Ordinance</b>	At Cost
<b>1.5. Copy of other ordinances</b>	
1.5.1. up to 20 pages	\$0.25/page
1.5.2. and a page after that	\$0.15/page
<b>1.6. Photocopies</b>	
1.6.1. 8 <sup>1</sup> / <sub>2</sub> inch x 11 inch or smaller	\$0.25/page
1.6.2. 8 <sup>1</sup> / <sub>2</sub> inch x 14 inch	\$0.50/page
1.6.3. 11 inch x 17 inch	\$0.75/page
<b>1.7. Marriage License</b>	State Regulated
<b>1.8. Notary Fee</b>	\$3.00
<b>1.9. Record Search</b>	\$5.00/hour
<b>1.10. Recording of Pole Permits</b>	
1.10.1. 1 <sup>st</sup> page	\$2.00
1.10.2. Additional pages	\$1.00/page
<b>1.11. Tax Maps</b>	
1.11.1. (11 inch x 17 inch)	\$50.00/complete set

*Adopted by Town Council: 8/3/09*

*Town of Hampden, Maine*  
*Fees Ordinance*

1.11.2.	(24 inch x 36 inch)	\$4.00 map
<b>1.12</b>	<b><i>Compact Disk copies of ordinances or documents</i></b>	\$5.00
<b>1.13</b>	<b><i>Liquor License</i></b> (Public hearing not required)	\$ 50.00
	(Public hearing is required)	\$125.00

**ARTICLE 2**  
**FEEES FOR ACTIVITIES REGULATED BY TOWN ORDINANCE**  
*Amended 11-17-03, 3-21-05, 6-15-09*

- 2.1. Animal Control Ordinance**  
2.1.1. Animal Impoundment Fee \$30.00 for each offense.
- 2.2. Cable Television Ordinance**  
2.2.1. Initial Franchise Application Filing Fee \$500.00  
2.2.2. Renewal Franchise Application Filing Fee \$500.00  
2.2.3. Modification of a Franchise Agreement \$500.00  
2.2.4. Combined Filing Fee for participating towns \$7,000.00
- 2.3. Cemetery Ordinance**  
2.3.1. Lot Fees including perpetual care.  
2.3.1.1. Resident \$200.00  
2.3.1.2. Resident -Infant or Cremation \$200.00  
2.3.1.3. Non-Resident \$300.00  
2.3.1.4. Non-Resident Infant or Cremation \$300.00  
2.3.2. Interment fees  
2.3.2.1. Grave Openings Weekdays Adult \$250.00  
2.3.2.2. Grave Openings Weekdays Infant or Cremation \$125.00  
2.3.2.3. Grave Openings Weekends or Holidays Adult \$350.00  
2.3.2.4. Grave Openings Weekends or Holidays \$200.00  
Infant or Cremation  
2.3.3. Town Crypt Fees  
2.3.3.1. Resident Free  
2.3.3.2. Non-Resident \$25.00  
2.3.4. Disinterment \$800.00  
2.3.5. Vault Cremation \$250.00  
2.3.6. Public Works Dept. Labor After 3:00 PM \$25.00/hour
- 2.4. Concourse Gathering Ordinance**  
2.4.1. Concourse Gathering Permit Fee \$100.00
- 2.5. Floodplain Management Ordinance**  
2.5.1. Application Fee \$75.00  
2.5.2. Experts Fee \$500.00 horizontal review  
\$1,000.00 vertical review and horizontal review.  
This is a draw account established for a professional to establish flood elevation data where possible. Any unspent funds are to be returned to the applicant
- 2.6. Harbor Ordinance**  
2.6.1. Overnight tie up to public float \$0.40 per ft. boat hull length.  
2.6.2. Private mooring \$25.00 annual fee.

<b>2.7. Historic Preservation Ordinance</b>	
2.7.1. Certificate of Appropriateness Application Fee	\$75.00
2.7.2. Historic Site or Landmark Designation Ap, Fee	\$150.00
<b>2.8. Mobile Home Park Ordinance</b>	
2.8.1. Annual Mobile Home Park License <i>(This includes application review, initial inspection of premises and a follow-up inspection).</i>	\$150.00
2.8.2. Additional Inspection Fee <i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).</i>	\$100.00
<b>2.9. Sewer Ordinance</b>	
2.9.1. Sewer Service Charge Rate	<del>\$3.28</del> <u>\$4.28</u> per 100 cubic feet of water (c.f.w.) consumed as indicated by consumer's water meter.
2.9.1.1. Sewer Charge Flat Rate Town Water No Meter	\$64.24
2.9.1.2. Sewer Charge Flat Rate Well Water No Meter	\$105.44
2.9.2. Sewer Service Capital Charge	
2.9.2.1. Base Rate for 1 to 2,999 c.f.w. consumed	\$18.12
2.9.2.2. 3,000 to 5,999 c.f.w. consumed (double base)	\$36.24
2.9.2.3. 6,000 to 8,999 c.f.w. consumed (triple base)	\$54.36
2.9.2.4. Other c.f.w. amount	Divide cubic feet of water consumed by 3,000 and round up to nearest whole number then multiply by \$18.12
2.9.3. Sewer Service Minimum Charge Rate	\$18.12
2.9.4. Sewer Service "Ready to Serve" Charge	\$18.12
2.9.5. Special Sewer Service Charge	As determined by Town Council.
2.9.6. Sewer Service Charge Rate Outside Town Limits	As determined by Town Council
<b>2.10. Solid Waste Flow Control Ordinance</b>	
2.10.1. License Application Fee	\$10.00
2.10.2. Annual License Fee Per Vehicle	\$25.00
<b>2.11. Special Amusement Ordinance</b>	
2.11.1. Permit Application Fee	\$50.00
<b>2.12. Subdivision Ordinance</b>	
2.12.1. Subdivision Sketch Plan	No Charge
2.12.2. Minor Subdivision <i>(Less than 5 lots and no public improvements).</i>	\$35.00 plus \$20.00/acre
2.12.3. Minor Subdivision Review/Inspection Draw	not required.
2.12.4. Major Subdivision Preliminary Plan <i>(Five or more lots and /or public improvements).</i>	\$85.00 plus \$50.00/acre plus \$1,000.00 peer technical review draw account.

**TOWN OF HAMPDEN**

ORDINANCE AUTHORIZING APPROPRIATION AND BORROWING OF FUNDS TO FINANCE THE CONSTRUCTION AND/OR RECONSTRUCTION OF MAYO ROAD AND OTHER RELATED INFRASTRUCTURE IMPROVEMENTS THROUGH ISSUANCE OF GENERAL OBLIGATION BONDS OR NOTES OF THE TOWN OF HAMPDEN WHICH MAY BE CALLABLE IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$2,300,000.

The Town of Hampden hereby ordains as follows:

Section 1. That pursuant to Section 5772 of Title 30-A, Maine Revised Statutes, as amended, the Charter of the Town and any other applicable authority under Maine law, the Town of Hampden is hereby authorized to borrow a principal amount not to exceed in the aggregate of Two Million Three Hundred Thousand Dollars (\$2,300,000), said amount to be payable over a period not to exceed thirty (30) years, at such interest rates and on such further terms and conditions as may be approved by the Treasurer and a majority of the Town Council, the proceeds of said loan to be used substantially for the construction and/or reconstruction of Mayo Road and other related infrastructure improvements. Said loan to be evidenced by the General Obligation Bond or Bonds of the Town to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council (the "Bond") in a principal amount not to exceed \$2,300,000. The Bond may be subject to call for redemption as determined by the Town Treasurer and majority of the Town Council.

Section 2. That in anticipation of the receipt of the Bond proceeds for the Project, pursuant to the Charter of the Town and Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, and any other applicable authority under the laws of the State of Maine, the Town of Hampden is hereby authorized to borrow from a lending institution approved by the Town Treasurer and a majority at least of the Town Council a principal amount not to exceed Two Million Three Hundred Thousand Dollars (\$2,300,000) and in evidence thereof to execute and deliver one or more General Obligation Bond Anticipation Notes (the "Note") of the Town for a period not to exceed one year and to bear interest at such rate and said note to be subject to such further terms and conditions as the Town Treasurer and a majority at least of the Town Council shall approve, and said Note, together with interest thereon, to be a general obligation of the Town, and intended to be repaid from the Bond, said Note to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council, and such Note may be refunded from time to time for a period not to exceed an aggregate of three years, with proceeds to be used to provide temporary funds to accomplish the Project.

Section 3. That the Town Treasurer, Mayor or other officers designated by the Town Council be and each of them hereby is authorized to execute such documents and do all things necessary or convenient in order to issue the Bond or Note or any part authorized to execute and

8/3/09 - Introduced for Public Hearing

deliver such loan applications as may be necessary or appropriate to the Maine Municipal Bond Bank, or other lender. The Treasurer, Mayor, or other officers designated by the Town Council are further authorized to execute any and all loan agreements or resolutions required by Maine Municipal Bond Bank or other lender, in such form as may be required by the lender.

Section 4. That the Town Clerk shall distribute a copy of this ordinance to each Council member and to the Town Manager, and shall file a reasonable number of copies of this ordinance in the office of the Town Clerk and shall post a copy of this ordinance together with a Notice of Public Hearing at the following public places: Municipal Building, Post Office, Dyer Library, Hampden Transfer Station, McK's Variety, Pizza Gourmet and R & K Variety, as well as such other places as may be directed by the Town Manager.

Section 5. That a Public Hearing be held at 7:00 p.m. in the Hampden Municipal Building in Hampden, Maine on August 17, 2009, for the purpose of taking testimony and comments from the public with respect to the proposed issuance of the Bond, and that notice of the public hearing be given by the Town Clerk by publishing a summary of this ordinance and a place where copies of the complete ordinance have been filed and times available for inspection in the Bangor Daily News on or before August 7, 2009, together with a notice setting forth the time and place for the public hearing, and for the consideration of the proposed ordinance by the Town Council at a meeting to be held on August 17, 2008, immediately following the public hearing.

Section 6. That all actions heretofore taken by the Town Council of the Town of Hampden relating to the selling of the Town's General Obligation Bond and Note authorized hereby be and they hereby are ratified, approved and confirmed.

Section 7. That pursuant to the requirements of the Internal Revenue Code of 1986, as amended, the Town designates the Bond and the Note to be "qualified tax exempt obligations" of the Town; and that the Town shall not issue in 2009 an aggregate total amount of qualified tax exempt obligations in excess of \$30,000,000. Further, the Town does not reasonably expect to issue qualified tax exempt obligations in an amount in excess of \$5,000,000 during 2009.

Section 8. That the Town shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Bond and Note, and to maintain the status of the Bond and the Note as "qualified tax exempt obligations" of the Town, and that the Bond and the Note may be subject to such further terms and conditions as may be agreed to by a majority at least of the Councilors and the Treasurer of the Town to carry into effect the full intent of this ordinance.

Section 9. That the Town Council is hereby authorized to retain bond counsel for the Town to advise the Town with respect to the issuance and sale of the Bond and the Note, and to prepare documents and render opinions as may be necessary or convenient for that purpose.

Section 10. That the Town Council and officials of the Town are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the Town, as may be necessary or convenient to carry out the full intent of this ordinance, and to



accomplish the Project and issue the Bond and the Note, including approval and signing of contracts and other agreements obligating the Town.

Section 11. That pursuant to Section 902 of the Town Charter, this ordinance shall go into effect only upon approval by the voters of the Town of Hampden. Be it further ordained that a referendum of the Town of Hampden be held to decide this question on November 3, 2009, on the ballot question pursuant to the Town Charter and the laws of Maine. The ballot question shall be substantially as follows:

TOWN OF HAMPDEN  
BALLOT QUESTION NO. 1

Ordinance authorizing appropriation and borrowing of funds to finance the construction and/or reconstruction of Mayo Road and other related infrastructure improvements through issuance of general obligation bonds or notes of the Town of Hampden which may be callable in the principal amount not to exceed \$2,300,000.

Shall the above described ordinance be adopted and the municipal officers have the authority to issue general obligation bonds or notes of the Town and accomplish the Project as described above and in the ordinance?

[   ] Yes

[   ] No

Financial Statement

TOWN OF HAMPDEN

1. Total Town Indebtedness

A. Bonds outstanding and unpaid: \$ 10,577,585.00

B. Bonds authorized and unissued: \$ 0.00

C. Bonds to be issued if this question is approved: \$ 2,300,000.00

TOTAL: \$ 12,877,585.00

2. Costs

At an estimated maximum interest rate of 4 %, the estimated costs of this bond issue will be : 1,652,999.00 ( 30 ) Years 30 Year Term

Principal: \$ 2,300,000.00

Interest: \$ 1,652,999.00

Total Debt Service: 3,952,999.00

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service or the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.



Susan M. Lessard

Treasurer, Town of Hampden

enough time to do research. He said the maps should be right before the ordinance is adopted.

Councilor Hughes noted that it would be most appropriate for those who have an issue with the timing of the public hearing to be at the Planning Board meeting of August 12<sup>th</sup> when the Board will set a date for public hearing to consider adoption of the draft ordinance and map.

#### **4. NEW BUSINESS**

##### **a. URIP FUNDS ACCEPTANCE – MDOT – 2009-2010**

Manager Lessard explained that these funds are received annually for capital improvements to streets and roads. This year Hampden will receive \$75,671.00 to offset road construction and paving costs.

Motion by Councilor Lawlis, seconded by Councilor Cox to accept the funds and authorize Manager Lessard to sign on behalf of the Town and place the funds in the roads reserve account – unanimous vote in favor.

##### **b. SEWER COMMITMENT – 4/1/09 to 6/30/09**

Manager Lessard informed the Council that this is the commitment for the April 1 to June 30, 2009 billing in the amount of \$119,844.31.

Motion by Councilor Hughes, seconded by Councilor Cox to approve the commitment of sewer user rates – unanimous vote in favor.

##### **c. INFRASTRUCTURE COMMITTEE RECOMMENDATION – CULVERT MAINTENANCE POLICY**

Infrastructure Committee Chair Brann explained that historically, the Town has followed State policy regarding maintenance of culverts and driveways. The State has changed its policy (copy attached) and will not be compensating for certain repairs to driveways brought about by the natural movement of culverts. It is the recommendation of the Infrastructure Committee that the Town adopt the new State policy.

Motion by Councilor Cox, seconded by Councilor Hughes to amend the Town's current policy to match the existing state policy on driveway and entrance culvert replacement – unanimous vote in favor.

##### **d. INFRASTRUCTURE COMMITTEE RECOMMENDATION – SALT BID**

Infrastructure Committee Chair Brann reported that the committee recommends joining with the State in the purchase of salt from International Salt for the upcoming year at a price of \$68.05 per ton.

Motion by Councilor Hughes, seconded by Councilor Cox to approve joining with the State and purchase salt from International Salt Company as presented – unanimous vote in favor.

**CERTIFICATION OF TOWN COUNCIL  
HAMPDEN, MAINE**

**SHORELAND ZONING ORDINANCE**

Pursuant to 38 M.R.S.A. §438-A(1)(B) we, the Municipal Officers of the Town of Hampden, Maine hereby certify that on July 27, 2009 Robert Osborne, Town Planner for the Town of Hampden, Maine mailed written notification from 106 Western Avenue, Hampden, Maine to certain landowners whose property is being considered by the Town of Hampden for placement in a resource protection zone. Said landowners, together with their parcel street location and Map/Lot identification and owner's mailing addresses are set forth in Exhibit A attached hereto. A copy of the notification letter dated July 27, 2009 is also attached as Exhibit B.

Dated: August 3, 2009

HAMPDEN TOWN COUNCIL

William Shakespeare  
Jean Lawlis  
Thomas Brann  
Shannon Cox  
Janet Hughes

Date: August 3, 2009

STATE OF MAINE  
County of Penobscot

Personally appeared the above-named William Shakespeare, Jean Lawlis, Thomas Brann, Shannon Cox and Janet Hughes, known to me and swore that the representations set forth in the above certification are true of their own knowledge; and acknowledged the signatures appearing thereon to be theirs and that they executed the certification of their own free will.

Denise R. Hodsdon  
Notary Public/~~Attorney at Law~~

DENISE R. HODSDON  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES  
MARCH 3, 2016  
Printed name of Notary Public/Attorney

# EXHIBIT A

AcctNumber	OwnerName	StreetNumber	Street	Maplot	Address1	Address2	City	State	Zip
599	BURRELL, KAREN S.		KENNEBEC RD	05-0-066		212 BLANCHARD ROAD	CUMBERLAND	ME	04021
311	CORDLE, ROGER D. & STEPHANIE G.	714	KENNEBEC RD	02-0-037-A		714 KENNEBEC ROAD	HAMPDEN	ME	04444
281	COUILLARD, CLAYTON, DEVISEES OF		BACK WINTERPORT RD	02-0-062		202 BACK WINTERPORT ROAD	HAMPDEN	ME	04444
620	COUILLARD, CLAYTON, DEVISEES OF		KENNEBEC RD	05-0-078		202 BACK WINTERPORT ROAD	HAMPDEN	ME	04444
673	COUILLARD, DARYL	178	BACK WINTERPORT RD	06-0-002		202 BACK WINTERPORT ROAD	HAMPDEN	ME	04444
279	COUILLARD, DARYL E.	202	BACK WINTERPORT RD	02-0-061		202 BACK WINTERPORT ROAD	HAMPDEN	ME	04444
75	CROCKER, DAVID C	164	CARMEL RD SO	01-0-035		164 CARMEL ROAD SOUTH	HAMPDEN	ME	04444
308	FORTIN, DONALD A.		BACK WINTERPORT RD	02-0-084		P O BOX 902	MILTON	NH	03851
84	GOULD, RICHARD		RT 69	01-0-043		80 BOG ROAD	ALBION	ME	04106
18	HART, FOREST O.		KENNEBEC RD	01-0-008		105 RAVEN ROAD	MONROE	ME	04951
246	HUNTLEY, KENNETH	778	KENNEBEC RD	02-0-045		778 KENNEBEC ROAD	HAMPDEN	ME	04444
247	HUNTLEY, WANDA	766	KENNEBEC RD	02-0-045-A		766 KENNEBEC ROAD	HAMPDEN	ME	04444
3297	J. N. ASSOCIATES, INC.		PATTERSON RD	05-0-038-A		5 CONSTITUTION AVENUE	HAMPDEN	ME	04444
674	KAPLAN, MARK D., TRUSTEE	150	BACK WINTERPORT RD	06-0-003		P O BOX 355	MACHIASPORT	ME	04655
3460	KELLER, GARY & HOLLY		ICHABOD LANE	05-0-075-E		148 ICHABOD LANE	HAMPDEN	ME	04444
667	KING, ALEX J. & DARLA R.		ICHABOD LANE	05-A-029		P O BOX 531	HAMPDEN	ME	04444
671	KING, ALEX J. & DARLA R.	75	ICHABOD LANE	05-A-034		P O BOX 531	HAMPDEN	ME	04444
663	KING, DAVID J.	149	ICHABOD LANE	05-A-025		149 ICHABOD LANE	HAMPDEN	ME	04444
298	LANE CONSTRUCTION CORP.	165	MONROE RD (PIT)	02-0-073		90 FIELDSTONE COURT	CHESHIRE	CT	06410
72	LEONARD, JAMES & LORRAINE	130	CARMEL RD SO	01-0-034-B		130 CARMEL ROAD SOUTH	HAMPDEN	ME	04444
3236	LOWE, MERLE N. & ELIZABETH J. JT	181	PATTERSON RD	05-0-034-A		P O BOX 2244	CONWAY	NH	03818
568	LYNCH, GENE A., III		PATTERSON RD	05-0-038		1213 MAPLETON ROAD	MAPLETON	ME	04757
1834	MCLAUGHLIN, MATTHEW M.		CARMEL RD SO	01-0-034-F		54 CARMEL ROAD SOUTH	HAMPDEN	ME	04444
3671	MERCHANT, MICHAEL W.	171	PATTERSON RD	01-0-007-C		1391 KENNEBEC ROAD	HAMPDEN	ME	04444
638	MOURKAS, ANTHONY L.	143	PATTERSON RD	05-0-091-A		171 PATTERSON ROAD	HAMPDEN	ME	04444
569	OHI		ICHABOD LANE	05-0-039		25 FREEDOM PARKWAY	HERMON	ME	04401
665	PARKER, GERRY G & PAMELA J	159	ICHABOD LANE	05-A-027		159 ICHABOD LANE	HAMPDEN	ME	04444
303	PELLETIER, DONALD		BACK WINTERPORT RD	02-0-079		672 NEWBURGH ROAD	HERMON	ME	04401
306	PELLETIER, DONALD		BACK WINTERPORT RD	02-0-082		672 NEWBURGH ROAD	HERMON	ME	04401
618	PERKINS, PHILIP E & CAROLE F	415	KENNEBEC RD	05-0-076		415 KENNEBEC ROAD	HAMPDEN	ME	04444
309	PLAISTED, ANDREW C.	558	BACK WINTERPORT RD	02-0-085		558 BACK WINTERPORT ROAD	HAMPDEN	ME	04444
73	SCOTT, ELLIOT C. & DONNA R. (JT)	118	CARMEL RD SO	01-0-034-C		118 CARMEL ROAD SOUTH	HAMPDEN	ME	04444
236	SICARD, STEVE C.	692	KENNEBEC RD	02-0-037		692 KENNEBEC ROAD	HAMPDEN	ME	04444
522	SNOW, CRAIG E. & MARY E.		MEADOW RD	05-0-008		559 MEADOW ROAD	HAMPDEN	ME	04444
3744	SNOW, ROBERT I, III	437	KENNEBEC RD	05-0-081-01		437 KENNEBEC ROAD	HAMPDEN	ME	04444
239	SSR, INC.		KENNEBEC RD	02-0-040	378 BENNOCH ROAD	P O BOX 435	STILLWATER	ME	04489
670	STATE OF MAINE D.O.T.		ICHABOD LANE	05-A-032		WETLANDS MITIGATION PROJECT	AUGUSTA	ME	04433
3811	TOWNSEND, RAYMOND D.	445	KENNEBEC ROAD	05-0-081-02		10 INDEPENDENCE AVENUE	HAMPDEN	ME	04444
628	TYLER, ARLO	503	KENNEBEC RD	05-0-086		503 KENNEBEC ROAD	HAMPDEN	ME	04444
661	WADE, RAYMOND E. & RUBY A.	141	ICHABOD LANE	05-A-023		141 ICHABOD LANE	HAMPDEN	ME	04444
619	WHITE, RYAN M. & STEPHANIE J.	427	KENNEBEC RD	05-0-077		427 KENNEBEC ROAD	HAMPDEN	ME	04444
623	WILLIAMS, LINDA L.		KENNEBEC RD	05-0-081		P O BOX 476	HAMPDEN	ME	04444
112	YOCUM, DARREN M.	88	EMERALD DRIVE	01-0-054-C		88 EMERALD DRIVE	HAMPDEN	ME	04444

**EXHIBIT B**



**Town of Hampden  
Planning Board  
Public Notice**

July 27, 2009

Karen S. Burrell  
212 Blanchard Road  
Cumberland, ME 04021

Dear Karen S. Burrell:

As you may be aware the Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-449 requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers and freshwater and coastal wetlands; and within 75 feet of streams as defined. The Maine Board of Environmental Protection promulgated minimum guidelines for such ordinances, and the Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines.

This notice was sent to you because according to municipal records you own land (Tax Map and Lot 05-0-066) that is required to be zoned Resource Protection District within 250 feet of the upland edge of a wetland. Your land is in direct proximity to a freshwater wetland in excess of 10 acres classified by the Maine Department of Inland Fisheries and Wildlife as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas. Such land in accordance with the Act and the guidelines will be zoned Resource Protection District and is directly subject to regulations contained in this new Shoreland Zoning Ordinance.

Notice is hereby given that the Hampden Planning Board will meet 7:00 P. M. on Wednesday, August 12, 2009 in the Hampden Municipal Building, located at 106 Western Avenue, to set a date for a public hearing to consider the adoption of the draft Shoreland Zoning Ordinance and Map. This hearing will likely be set for 7:00 P. M. on September 9, 2009, in the Hampden Municipal Building, located at 106 Western Avenue.

The meeting is open to the general public to make comment. Copies of the Draft Shoreland Zoning Ordinance and Map are available for review at my office or online at [www.hampdenmaine.com](http://www.hampdenmaine.com) under public notices. Feel free to call me at 862-6527 to discuss the draft ordinance and map.

Respectfully,

Robert C. Osborne  
Town Planner


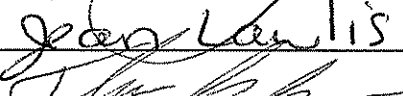
**CERTIFICATION OF TOWN COUNCIL  
HAMPDEN, MAINE**

**SHORELAND ZONING ORDINANCE**

Pursuant to 38 M.R.S.A. §438-A(1)(B) we, the Municipal Officers of the Town of Hampden, Maine hereby certify that on July 29, 2009 Robert Osborne, Town Planner for the Town of Hampden, Maine mailed written notification from 106 Western Avenue, Hampden, Maine to certain landowners whose property is being considered by the Town of Hampden for placement in a resource protection zone. Said landowners, together with their parcel street location and Map/Lot identification and owner's mailing addresses are set forth in Exhibit A attached hereto. A copy of the notification letter dated July 29, 2009 is also attached as Exhibit B.

Dated: August 3, 2009

HAMPDEN TOWN COUNCIL

  
Jean Lawlis  
  
Shannon Cox  
Janet Hughes

Date: August 3, 2009

STATE OF MAINE  
County of Penobscot

Personally appeared the above-named William Shakespeare, Jean Lawlis, Thomas Brann, Shannon Cox and Janet Hughes, known to me and swore that the representations set forth in the above certification are true of their own knowledge; and acknowledged the signatures appearing thereon to be theirs and that they executed the certification of their own free will.

  
Notary Public/Attorney at Law

DENISE R. HODSDON  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES  
Printed MARCH 3, 2016 Notary Public/Attorney

# EXHIBIT A

maplot	Namelast	Namefirst	other	loc#	loc	add1	Add2	Town	state	zip	plus4
07-0-022	Badger, Jr.	Philip E. & Brenda C.		1158	WESTERN AVE		72 Sawyer Road	Hampden	ME	04444	
07-0-040	Enright	Edward D			ROUTE 9		22 Wayside Lane	Redding	CT	06896	2803
07-0-054	Robbins	Michael A & Marcia L.		891	WESTERN AVE		891 Western Avenue	Hampden	ME	04444	
07-0-058	Wiseman	Bradley H.		12	SHAW HILL ROAD		12 Shaw Hill Road	Hampden	ME	04444	
07-0-063	Wade	Raymond E. & Rubyann		92	SHAW HILL RD		92 Shaw Hill Road	Hampden	ME	04444	
07-0-068	M & D Real Estate, LLC			72	MILLER RD		3025 Western Avenue	Newburgh	ME	04444	
07-0-071	M & D Real Estate, LLC	Beverly A		86	MILLER RD		2844 Western Avenue	Newburgh	ME	04444	
07-0-072	Campbell	George H.		130	MILLER RD		86 Miller Road	Hampden	ME	04444	
07-0-073	Miller, Jr.	Gary & Mary		86	MILLER RD		121 Miller Road	Hampden	ME	04444	
07-0-074	Gagnon	Mary		130	& 136 MILLER RD.		130 Miller Road	Hampden	ME	04444	
07-0-077	Gagnon	Andrew S. & Rebecca S.		267	FOWLER RD AT I-95		130 Miller Road	Hampden	ME	04444	
07-0-087	Reeve	Lisa E.		17	SHAW HILL RD		267 Shaw Hill Road	Hampden	ME	04444	
07-0-088	Degerstrom	Lisa E.		17	NO. COUNTRY RD		17 No. Country Road	Hampden	ME	04444	
07-0-089	Degerstrom	Lisa E.		27	NO. COUNTRY RD		17 No. Country Road	Hampden	ME	04444	
07-0-089-1	Nodden	David S. & Karen L.		27	NO. COUNTRY RD		27 North County Road	Hampden	ME	04444	
07-0-090	Hafford	Joseph W		201	SHAW HILL ROAD		101 Shaw Hill Road	Hampden	ME	04444	
07-0-091	Enright	Edward D			PATTEN POND		22 Wayside Lane	Redding	CT	06896	2803
08-0-011-C	Deighan	William A.			WESTERN AVE		2566 Kennebec Road	Hampden	ME	04402	
08-0-048-B	Cort	Robert		40	MANNING MILL RD		65 Upper Oak Point Road	Winterport	ME	04496	
08-0-049	Ross	Bruce		250	EMERSON MILL RD		40 Manning Mill Rd	Hampden	ME	04444	
08-0-058	Y M C A			141	MANNING MILL RD		127 Hammond Street	Bangor	ME	04401	
08-0-066	Davault	Max & Maureen			I-95 & STREAM	CAMP PRENTISS	141 Back Winterport Road	Hampden	ME	04444	1000
08-0-067	Dysart Realty Company			296	BOG RD		P O Box 1689	Bangor	ME	04402	
08-0-088	Hitchcock	Michael			BOG RD		296 Bog Road	Hampden	ME	04444	
08-0-089	Summertree	LLC			POND RD & BOG RD		797 Blackstream Road	Heron	ME	04401	
11-0-001	Rosebush	Lewis C.			BOG RD		P O Box 128	Orono	ME	04473	
11-0-003-A	Summertree, LLC	Lorenzo J.		151	POND ROAD		797 Blackstream Road	Heron	ME	04401	
11-0-005	Daigle	Helen M.	ESTATE	92	POND ROAD		24 Eagle Way	Heron	ME	04401	
11-0-008	Sawyer			263	BOG RD (& 265)		106 Pond Road	Hampden	ME	04444	
11-0-010	Summertree, LLC						797 Blackstream Road.	Heron	ME	04401	



**EXHIBIT B**



**Town of Hampden  
Planning Board  
Public Notice**

July 29, 2009

Edward D Enright  
22 Wayside Lane  
Redding, CT 068962803

Dear Edward D Enright:

As you may be aware the Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-449 requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers and freshwater and coastal wetlands; and within 75 feet of streams as defined. The Maine Board of Environmental Protection promulgated minimum guidelines for such ordinances, and the Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines.

This notice was sent to you because according to municipal records you own land (Tax Map and Lot 07-0-040) that is required to be zoned Resource Protection District within 250 feet of the upland edge of a wetland, the Souadabscook Stream or a Great Pond such as Hermon, Hammond or Patton Pond. In your case there is currently some Resource Protection zoning on your land but that line must be adjusted because of the current rules. Such land in accordance with the Act and the guidelines will be zoned Resource Protection District and is directly subject to regulations contained in this new Shoreland Zoning Ordinance.

Notice is hereby given that the Hampden Planning Board will meet 7:00 P. M. on Wednesday, August 12, 2009 in the Hampden Municipal Building, located at 106 Western Avenue, to set a date for a public hearing to consider the adoption of the draft Shoreland Zoning Ordinance and Map. This hearing will likely be set for 7:00 P. M. on September 9, 2009, in the Hampden Municipal Building, located at 106 Western Avenue.

The meeting is open to the general public to make comment. Copies of the Draft Shoreland Zoning Ordinance and Map are available for review at my office or online at [www.hampdenmaine.com](http://www.hampdenmaine.com) under public notices. Feel free to call me at 862-6527 to discuss the draft ordinance and map.

Respectfully,

Robert C. Osborne  
Town Planner

## Maine Department of Transportation Driveway/Entrance Culvert Policy

### Background:

Title 23§705 MRSA defines culvert responsibility with respect to driveway/entrance culverts. With consideration of this law and the various situations and complaints that have occurred around the state, this document has been prepared to more clearly define the specific responsibilities of Maine's taxpayers as a whole (through MaineDOT) and the individual highway abutters.

A culvert is "a covered channel that carries water under a road or railway, or through an embankment". In the case of a driveway or entrance culvert, it is the culvert's ability to effectively move water from one side of a driveway or entrance to the other side that is critical to protecting the state's infrastructure (the public corridor to which the driveway or entrance connects). To that end, it is in the state's interest to ensure that this conveyance of water is maintained.

### Policy:

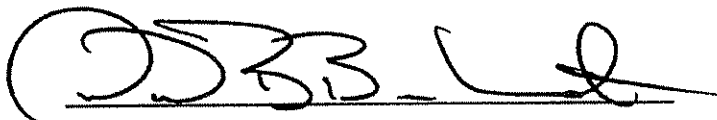
Activities performed by MaineDOT crews with regard to driveway/entrance culverts (in accordance with Title 23§705 MRSA and within the right-of-way of a state or state-aid highway) shall include the following:

- 1) When a culvert has become plugged by natural causes, such as the gradual accumulation of debris or ice, or has failed to the point where water can no longer be effectively conveyed, MaineDOT is responsible for restoring adequate flow through the culvert.
- 2) When MaineDOT undertakes a capital or ditching project that requires the replacement or relocation of driveway/entrance culverts, MaineDOT is responsible for such culvert replacement/relocation and driveway/entrance restoration.
- 3) When a natural event causes regional or localized flooding and washouts, causing a culvert to fail and/or a driveway/entrance to washout, MaineDOT will reinstall or replace the culvert (at MaineDOT's option) and reestablish access to the abutting property.

Activities that are the responsibility of the owner/abutter, in accordance with Title 23§705 MRSA, shall include the following:

- 1) Culvert replacement not covered above.
- 2) Driveway repairs of any type (excepting damage caused by natural events as described above in item 3). This includes such issues as: bumps or depressions that may develop over a culvert (usually due to seasonal freeze/thaw cycles), erosion of the driveway/entrance side slopes, and potholes that may develop as the result of a deteriorating pipe prior to replacement.
- 3) Restoring flow when the culvert is obstructed, either directly or indirectly, by the actions of the abutter or their agents (such as intentionally depositing leaves or other debris into a ditchline).

When an abutter fails to uphold their responsibilities and damage to the highway corridor has occurred or is imminent, MaineDOT may address the issue and pursue compensation as necessary.



David B. Bernhardt  
Director  
Bureau of Maintenance & Operations

5/22/09  
Date

Adopted by Town Council: 8/3/2009

e. INFRASTRUCTURE COMMITTEE RECOMMENDATION –  
COMPOST SCHOOL ATTENDANCE

Infrastructure Committee Chair Brann reported that the committee recommends authorizing the Town Manager to send a member of the staff to the State Composting School so that the Town would have a better understanding of the issues related to composting at the Town level.

Motion by Councilor Hughes, seconded by Councilor Cox to authorize the Town Manager to send a staff member to composting school – unanimous vote in favor.

f. INFRASTRUCTURE COMMITTEE RECOMMENDATION – WATER  
DISTRICT SEWER HOOK-UP

Infrastructure Committee Chair Brann reported that the committee discussed the Water District's need for a sewer hookup for its new pump station on Main Road North adjacent to the Bangor city line. The Sewer Ordinance requires the Council to approve any hook up to the sewer that is not a direct connection and this connection would go into the line that also serves the abutter, Higgins Electric. It is the committee's recommendation that the Council approve this connection.

Motion by Councilor Hughes, seconded by Councilor Shakespeare to approve the connection for Bangor Water District as presented – unanimous vote in favor.

g. STORMWATER WORKSHOP – DATE FOR MEETING

A workshop for the Council, Planning Board and Conservation Commission is scheduled for September 28<sup>th</sup> at 6:30 pm. The Town's stormwater engineer will give a short presentation and provide an opportunity for questions and answers. The Infrastructure Committee will meet that same evening from 6:00 to 6:30 pm.

h. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE  
RECEIVED FROM HAMPDEN COUNTRY CLUB, 25 THOMAS ROAD

Mayor Pro-tem Brann noted that a public hearing is not required and all inspections have been completed. Motion by Councilor Shakespeare, seconded by Councilor Hughes to approve the Victualer's License for Hampden Country Club – unanimous vote in favor.

**D. COMMITTEE REPORTS**

Councilor Cox reported that the Finance Committee met earlier in the evening and discussed the impact and expense of administering the stormwater management program. The committee also discussed the long-term resident tax rebate program and is waiting for valuation information.

Councilor Cox also reported that the Services Committee will meet at 6:00 pm on August 10<sup>th</sup>.

Councilor Hughes reported that Planning & Development has not met since the last Council meeting and that there will be a Comprehensive Planning meeting on August 5<sup>th</sup> at 6:30 pm.

Councilor Brann reported that the next meeting of the Infrastructure Committee will be at 6:00 pm on August 24<sup>th</sup>.

**E. MANAGER'S REPORT**

A copy of the Manager's Report is attached hereto.

**F. COUNCILOR'S COMMENTS**

Councilor Lawlis noted that the Friends of Dorothea Dix will hold an informational meeting relative to the committee's proposals for the park on August 12<sup>th</sup> at 7:00 pm in the Community Room. She also commented that there is information on the Town's website about participating in an exploratory committee for the development of a town dog park.

Councilor Cox encouraged anyone who has an interest in the redevelopment of Dorothea Dix Park to attend the meeting on August 12<sup>th</sup> and share their thoughts and comments.

**G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:07 p.m.



Denise Hodsdon  
Town Clerk

Manager's Report  
August 3, 2009

Flag Raising – Avalon Village – I attended the flag raising at Avalon Village on Friday morning, July 31<sup>st</sup>. It was a beautiful day and a beautiful ceremony. Councilor Cushing filmed the event and our interns will turn that into a Hampden Happenings tv show. Thanks to Avalon resident Don Skinner for inviting us to attend.

EMS Training Drill – I participated in an EMS training activity here at the town office on Saturday. I was an ATV accident victim with an open femur break on my left leg. The drill participants did a good job of extricating me from a fairly inaccessible location down over the hill behind the town office. I am always impressed with the professionalism of our crews – even in training activities.

Employee Picnic – You have received an invitation to the employee picnic for Monday, August 10<sup>th</sup> at 5 p.m. Please let me know by Wednesday of this week if you and your family will be attending.

MOU Hamlin Marina – Dean has received the signed Memorandum of Understanding between Hamlin and the Town that was required prior to going ahead with the yellow book appraisals of the parcels. Unless there are objections by the Council I will sign that agreement and authorize Dean to arrange for the necessary appraisals.

Rain garden repairs – Some repairs have been made to the rain garden in front of the municipal building and it is starting to look a bit healthier as a result.